

Order

Michigan Supreme Court
Lansing, Michigan

December 6, 2006

Clifford W. Taylor,
Chief Justice

131011

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

CITY OF SOUTH HAVEN,
Plaintiff-Appellee,

v

SC: 131011
COA: 264269
Van Buren CC: 04-052643-CZ

VAN BUREN COUNTY BOARD
OF COUNTY COMMISSIONERS and
KAREN MAKAY,
Defendants-Appellants,
and

VAN BUREN COUNTY BOARD OF
COUNTY ROAD COMMISSIONERS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the March 14, 2006 judgment of the Court of Appeals is considered, and it is GRANTED, limited to Issue II in the application and the following issues: (1) If the City of South Haven did not agree to an allocation of the revenues derived from the tax levy different from that prescribed by MCL 224.20b(2)(a) and (b), was the tax levy submitted to the voters for approval in violation of MCL 224.20b(4), and, if so, what are the consequences of and remedy for such a violation? (2) Given that the City of South Haven did not contest the allocation of the proceeds of the revenues derived from the tax levy for a period of 28 years, during which it was continuously renewed and allocated solely to the Van Buren County Board of Road Commissioners, in accordance with the ballot proposal so providing, from 1976 through the City of South Haven's first challenge of the allocation in 2004, was the conduct of the parties sufficient to evidence that they "otherwise agreed" upon a different allocation of the revenues derived from the tax levy than that prescribed by the statute within the meaning of MCL 224.20b(2)?

The State Bar of Michigan Taxation Section, the Michigan Municipal League, the Michigan Association of Counties, and the Michigan Townships Association are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 6, 2006

Corbin R. Davis

Clerk